

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05CR233-2**

UNITED STATES OF AMERICA,

Vs.

AMBER LENE KELLY,

Defendant.

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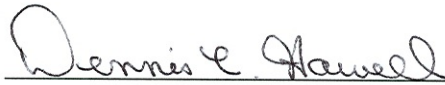
ORDER

THIS CAUSE coming on to be heard and being heard before the undersigned, Dennis L. Howell, United States Magistrate Judge for the Western District of North Carolina, upon a letter forwarded by the defendant to the United States District Court filed on September 21, 2005. In the letter the defendant requests that the court appoint another court appointed attorney to represent her and release the court appointed attorney who is presently representing the defendant, that being Stanford K. Clontz. Upon hearing this matter, the defendant advised the court that she wished to withdraw the letter. The court, at this same hearing, also considered a motion to reconsider an order filed by the court on August 30th ordering that the defendant have a psychiatric examination to determine the defendant's capacity to proceed. Despite the fact that the defendant has requested to withdraw her letter and the position of the Government that it does not object to the withdrawal of the defendant's letter and request the undersigned is of the opinion that it would be in the better part of discretion to withhold ruling upon the defendant's letter and request until she has been returned from her psychiatric examination. If at that time it has been shown that the defendant is competent to proceed and to assist with her counsel and still wishes to withdraw her letter, then this court will immediately proceed to enter an appropriate order denying the motion contained in the defendant's

letter.

WHEREFORE IT IS **ORDERED** that the hearing of this matter be continued until the defendant has completed her psychiatric examination that has been previous ordered in this matter.

Signed: September 28, 2005



Dennis L. Howell
United States Magistrate Judge

